

**REMARKS**

In response to the Office Action dated August 12, 2004, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claim 1 was rejected under 35 U.S.C. § 103 as being unpatentable over Ritter in view of admitted prior art and Fuji. This rejection is traversed for the following reasons.

Claim 1 recites an extra capacity radio base station, "the extra capacity radio base station utilizing an extra control radio for voice or data communication to create  $2n+1$  radios available for voice or data communication and one control radio for control signals." In embodiments of the invention, two base stations are coupled and serve the same at least one sector of the wireless communication system. Accordingly, two control radios are not needed, but rather only one control radio is needed for the two base stations. The additional control radio may then be used for voice or data communications. The combination of Ritter, admitted prior art and Fuji fails to teach or suggest these features.

The Examiner acknowledges that Ritter and the admitted prior art fail to teach or suggest using an extra control radio for voice or data communication. The Examiner relies on Fuji for teaching an extra control radio to create  $2n+1$  radios. Applicants submit that Fuji does not teach using an extra control radio for extra capacity. The Examiner cites to Figure 15B and column 5, lines 59-63 of Fuji. In Fuji, a region cell is divided into concentric first and second small cells by using antennas at different angular orientations as shown in Figure 5B. The common control channel is shown in Figure 14B as a single control channel transmitter, whereas each cell has its own control channel receiver (column 5, lines 59-63). Thus, only a common control transmitter is disclosed, not a common control receiver. Fuji, however, does not teach increasing capacity by using a control radio for voice or data communication. Each base station includes a control radio which serves an area, regardless of how many cells are designated within the area. There is no "extra control radio" as alleged by the Examiner. Each cell still uses its own control receiver so there is no increased capacity in Fuji.

If the system of Fuji was incorporated with Ritter, the control radio would not provide extra capacity for voice and data communication as recited in claim 1. The

control radio in each base station BS1, BS2, etc. would serve a different sector (e.g., areas 14, 16 and 18 in Ritter). There would be no increased capacity as recited in claim 1. Thus, even if Ritter, admitted prior art and Fuji are combined, the features of claim 1 do not result.

For the above reasons, claim 1 is patentable over Ritter, admitted prior art and Fuji.

Claims 2-6 and 11 were rejected under 35 U.S.C. § 103 as being unpatentable over admitted prior art in view of Ritter and Fuji. These claims include features similar to those discussed above with reference to claim 1. Thus, claims 2-6 and 11 are patentable over admitted prior art in view of Ritter and Fuji for at least the reasons advanced with reference to claim 1.

Claims 7 and 8 were rejected under 35 U.S.C. § 103 as being unpatentable over admitted prior art in view of Ritter, Fuji and Ketonen. Ketonen was cited as disclosing a cabinet for the first and second radio base stations but fails to cure the deficiencies of admitted prior art in view of Ritter and Fuji discussed above with reference to claim 2. Claims 7 and 8 are dependent on claim 2 and patentable over admitted prior art in view of Ritter, Fuji and Ketonen for at least the reasons advanced with reference to claim 2.

Claims 9 and 10 were rejected under 35 U.S.C. § 103 as being unpatentable over admitted prior art in view of Ritter, Fuji and Djumhammer. Djumhammer was cited as disclosing a prefabricated structure but fails to cure the deficiencies of admitted prior art in view of Ritter and Fuji discussed above with reference to claim 2. Claims 9 and 10 are dependent on claim 2 and patentable over admitted prior art in view of Ritter, Fuji and Djumhammer for at least the reasons advanced with reference to claim 2.

Claims 12-20 were rejected under 35 U.S.C. § 103 as being unpatentable over admitted prior art in view of Ritter, Fuji and Eriksson. Independent claims 12 and 20 recite features similar to claim 2. Eriksson was cited for disclosing certain components of the radio base station, but fails to cure the deficiencies of the admitted prior art in view of Ritter and Fuji discussed above with reference to claims 2 and 11. Thus, claims 12-20 are patentable over admitted prior art in view of Ritter, Fuji and Eriksson for at least the reasons advanced with reference to claims 2 and 11.

Claims 21 and 24 were rejected under 35 U.S.C. § 103 as being unpatentable over admitted prior art in view of Ritter, Fuji and Matsumoto. Matsumoto was cited as

disclosing cabling for connecting base stations, but fails to cure the deficiencies of admitted prior art in view of Ritter and Fuji discussed above with reference to claims 1 and 2. Claims 21 and 24 are dependent on claims 1 and 2 and patentable over admitted prior art in view of Ritter, Fuji and Matsumoto for at least the reasons advanced with reference to claims 1 and 2.

Claims 22 and 25 were rejected under 35 U.S.C. § 103 as being unpatentable over admitted prior art in view of Ritter, Fuji, Csapo and Barringer. Csapo and Barringer were cited as disclosing base station cabinets and conduit, respectively, but fail to cure the deficiencies of admitted prior art in view of Ritter and Fuji discussed above with reference to claims 1 and 2. Claims 22 and 25 are dependent, through claims 21 and 24, on claims 1 and 2 and patentable over admitted prior art in view of Ritter, Fuji and Csapo and Barringer for at least the reasons advanced with reference to claims 1 and 2.

Claims 23 and 26 were rejected under 35 U.S.C. § 103 as being unpatentable over admitted prior art in view of Ritter, Fuji and Ketonen. Ketonen was cited as disclosing housing first and second base stations in a common housing, but fails to cure the deficiencies of admitted prior art in view of Ritter and Fuji discussed above with reference to claims 1 and 2. Claims 23 and 26 are dependent on claims 1 and 2 and patentable over admitted prior art in view of Ritter, Fuji and Ketonen for at least the reasons advanced with reference to claims 1 and 2.

In view of the foregoing remarks, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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